

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARCUS GORDON, M.D.
Plaintiff

vs.

9 BRANCH STREET, L.L.C.,
BROOKS C-1 CONTROL CORPORATION,
HAROLD J. BROOKS and
JOSEPH FRIEDMAN
Defendants

Civil Action No. 05-11372-MEL

**ASSENTED-TO MOTION FOR EXTENSION OF TIME
TO COMPLETE DEPOSITIONS OF FACT WITNESSES**

NOW COME 9 Branch Street, L.L.C., Brooks C-1 Control Corporation,
Harold J. Brooks and Joseph Friedman, defendants in the above-entitled matter, by and
through their attorneys, Wiggin & Nourie, P.A., and respectfully move that the Court
allow an extension of time within which to complete the depositions of fact witnesses
from May 31, 2006 through and including August 31, 2006, on the following grounds:

1. Recently the parties entered into settlement discussions in an effort
to resolve this matter.
2. The parties continue to negotiate and have exchanged proposed
settlement agreements, although as of this writing the parties have
not achieved settlement.

3. During this period, the parties have refrained from engaging in further discovery.
4. In the event settlement negotiations should be unsuccessful, a number of depositions of fact witnesses must be scheduled and cannot be completed before May 31, 2006.
5. Counsel for the plaintiff has agreed that a 90-day extension be granted in order to complete such depositions of fact witnesses.
6. No memorandum of law is being submitted with this Motion because the basis for the relief requested is adequately set forth and is within the discretion of the Court.

WHEREFORE, the defendants respectfully pray as follows:

- A. That the Honorable Court grant an extension of time through and including August 31, 2006 within which to complete the depositions of fact witnesses in this matter, should such become necessary.
- B. And for other and further relief as justice may require.

Respectfully submitted,
9 BRANCH STREET, L.L.C.,
BROOKS C-1 CONTROL CORPORATION,
HAROLD J. BROOKS and
JOSEPH FRIEDMAN
By Their Attorneys,
WIGGIN & NOURIE, P.A.

May 23, 2006

By: /s/ Paul R. Kfoury, Sr.
Paul R. Kfoury, Esquire, BBO #270560
Stephanie A. Bray, Esq., BBO # 650408
670 N. Commercial Street, Suite 305
P.O. Box 808

Manchester, NH 03105-0808
603-669-2211

CERTIFICATE OF SERVICE

I hereby certify that copies of the within Assented-To Motion For Extension of Time to Complete Depositions of Fact Witnesses are being delivered electronically on this 23rd day of May, 2006, to said attorneys as shown below:

R. Alan Fryer, Esquire
Dorothy M. Bickford, Esquire
Badger Dolan Parker & Cohen
One State Street
Boston, Massachusetts 02109

Sarah R. Wunsch, Esquire
ACLU of Massachusetts
211 Congress Street, 3rd Floor
Boston, MA 02110

/s/ Paul R. Kfoury, Sr.
Paul R. Kfoury, Sr., Esquire

WIGGIN & NOURIE, P.A., MANCHESTER, NEW HAMPSHIRE